

ATTACHMENT 9

*Fifty-Third Omnibus Objection (Non-Substantive) of the Commonwealth of Puerto Rico to
Duplicate, Deficient, and Incorrect Debtor Claims:*

**Amended Exhibit D (Proposed Order) and Exhibit A (Schedule of Claims Subject to the
Fifty-Third Objection)**

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et*
al.,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**This filing relates to the
Commonwealth.**

**ORDER GRANTING FIFTY-THIRD OMNIBUS OBJECTION (NON-SUBSTANTIVE)
OF THE COMMONWEALTH OF PUERTO RICO TO DUPLICATE, DEFICIENT, AND
INCORRECT DEBTOR CLAIMS**

Upon the *Fifty-Third Omnibus Objection (Non-Substantive) of the Commonwealth of Puerto Rico to Duplicate, Deficient, and Incorrect Debtor claims* (“Fifty-Third Omnibus Objection”)² filed by the Commonwealth of Puerto Rico (the “Commonwealth”), dated June 6, 2019, for entry of an order disallowing in their entirety certain claims filed against the Commonwealth, as more fully set forth in the Fifty-Third Omnibus Objection and supporting exhibits thereto; and the Court having jurisdiction to consider the Fifty-Third Omnibus Objection and to grant the relief requested therein pursuant to PROMESA section 306(a); and venue being

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA” and together with the Commonwealth, COFINA, HTA, and ERS, the “Debtors”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² Capitalized terms not otherwise defined herein shall have the meanings given to such terms in the Fifty-Third Objection.

proper pursuant to PROMESA section 307(a); and due and proper notice of the Fifty-Third Omnibus Objection having been provided to those parties identified therein, and no other or further notice being required; and each of the claims identified in the column titled “Asserted” in Exhibit A hereto (collectively, the “Duplicate and Incorrect Debtor Claims”) being partially duplicative, partially deficient, and partially filed in the wrong case; and the Court having determined that the relief sought in the Fifty-Third Omnibus Objection is in the best interest of the Commonwealth, its creditors, and all the parties in interest; and the Court having determined that the legal and factual bases set forth in the Fifty-Third Omnibus Objection establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that the Fifty-Third Omnibus Objection is GRANTED as set forth herein; and it is further

ORDERED that the claims identified in the column titled “Asserted” in Exhibit A hereto are hereby reclassified in part to be claims asserted against PREPA, as set forth in the column titled “Corrected” in Exhibit A hereto; and it is further

ORDERED that the Debtors’ right to object to the Reclassified Claims is reserved; and it is further

ORDERED that Prime Clerk, LLC, is authorized and directed, in the official claims register in the Title III cases, to move the portions of each of the Duplicate and Incorrect Debtor Claims from the Commonwealth Title III Case, to the Title III case(s) for PREPA (Bankruptcy Case No. 17 BK 4780-LTS), in accordance with the column titled “Corrected” in Exhibit A hereto; and it is further

ORDERED that, to the extent the Duplicate, Deficient, and Incorrect Debtor Claims are duplicative and/or deficient, such portions of the Duplicate, Deficient, and Incorrect Debtor Claims are hereby disallowed; and it is further

ORDERED that Prime Clerk, LLC, is authorized and directed to delete the duplicative and deficient portions of the Duplicate, Deficient, and Incorrect Debtor Claims from the official claims register in the Commonwealth Title III Case; and it is further

ORDERED that the claimants will each retain a remaining claim in the Commonwealth Title III Case, as identified in the column titled “Corrected” in Exhibit A to the Sixty-First Omnibus Objection (collectively, the “Remaining Claims”); and it is further

ORDERED that the Debtors’ right to object to the Remaining Claims in the Commonwealth Title III Case is reserved; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

Dated: _____

Honorable Judge Laura Taylor Swain
United States District Judge

EXHIBIT A

Schedule of Claims Subject to the Fifty-Third Omnibus Objection

Fifty-Third Omnibus Objection**Exhibit A - Duplicate + Deficient + Incorrect Debtor**

ASSERTED					CORRECTED			
NAME	CLAIM#	DEBTOR	PRIORITY STATUS	AMOUNT	DEBTOR	PRIORITY STATUS	AMOUNT	
1	ESTATE OF ALAN HAMERMAN LIZA CASTLES, EXECUTOR/TRUSTEE 3026 QUEENSBERRY DR HUNTINGTOWN, MD 20639	109803	Commonwealth of Puerto Rico	Unsecured	\$90,000.00	Commonwealth of Puerto Rico	Unsecured	\$10,000.00
						Puerto Rico Electric Power Authority	Unsecured	\$50,000.00
						Subtotal		\$60,000.00
						Reason: Claimant identifies as obligor the Commonwealth of Puerto Rico, when the proof of claim, bond name(s) at issue, CUSIP information, and/or supporting documentation provided for the claim show that any liability for a portion of the claim would reside, if at all, under Puerto Rico Electric Power Authority. In addition, claimant asserts in part, liabilities associated with bond(s) issued by the Puerto Rico Public Buildings Authority which are duplicative of the master proof(s) of claim filed by the trustee of these bond(s) in the Commonwealth case. In addition, proof of claim purports to assert in part, liabilities associated with bond(s) and/or money loaned, but fails to provide any basis or supporting documentation for asserting a claim against the Commonwealth, such that the Debtors are unable to determine whether claimant has a valid claim against the Commonwealth or any of the other Title III debtors. Another portion of the claim will remain as asserted against the Commonwealth.		
2	EWELL, RONALD E T&T CAPITAL MANAGEMENT 7242 E CORTEZ RD SCOTTSDALE, AZ 85260	1370	Commonwealth of Puerto Rico	Unsecured	\$50,000.00	Commonwealth of Puerto Rico	Unsecured	\$15,500.00
						Puerto Rico Electric Power Authority	Unsecured	\$7,475.00
						Subtotal		\$22,975.00
						Reason: Claimant identifies as obligor the Commonwealth of Puerto Rico, when the proof of claim, bond name(s) at issue, CUSIP information, and/or supporting documentation provided for the claim show that any liability for a portion of the claim would reside, if at all, under Puerto Rico Electric Power Authority. In addition, proof of claim purports to assert, in part, liabilities associated with bond (s) and/or money loaned, but fails to provide any basis or supporting documentation for asserting a claim against the Commonwealth, such that the Debtors are unable to determine whether claimant has a valid claim against the Commonwealth or any of the other Title III debtors. Another portion of the claim will remain as asserted against the Commonwealth.		

Quincuagésima Tercera Objeción Colectiva
Anexo A – Reclamaciones de Bonos Duplicadas

		FORMULADAS			CORREGIDO		
NOMBRE	N.º DE RECLAMACIÓN	DEUDOR	ESTADO DE PRIORIDAD	IMPORTE	DEUDOR	ESTADO DE PRIORIDAD	IMPORTE
1	ESTATE OF ALAN HAMERMAN LIZA CASTLES, EXECUTOR/TRUSTEE 3026 QUEENSBERRY DR HUNTINGTOWN, MD 20639	El Estado Libre Asociado de Puerto Rico	No Garantizada	\$90,000.00	Autoridad de Energía Eléctrica de Puerto Rico	No Garantizada	\$50,000.00
					El Estado Libre Asociado de Puerto Rico	No Garantizada	\$10,000.00
					Subtotal		\$60,000.00
					Base para: Cuando la evidencia de reclamación, el o los nombres del bono en disputa, la información del CUSIP, y/o la documentación de respaldo presentada para fundamentar la reclamación indican que cualquier parte de la obligación recaería, si fuere el caso, sobre la Autoridad de Energía Eléctrica de Puerto Rico, el demandante identifica como deudor al Estado Libre Asociado de Puerto Rico. Además, el demandante reclama, en parte, obligaciones asociadas a uno o más bonos emitidos por la Autoridad de Edificios Públicos de Puerto Rico, que son duplicados de las evidencias de reclamaciones maestras presentadas por el fiduciario de estos bonos en el caso del Estado Libre Asociado. Además, la evidencia de reclamación pretende plantear, en parte, una obligación asociada a uno o más bonos y/o fondos tomados en préstamo, pero omite proporcionar un fundamento o documentación de respaldo para formular una reclamación contra el Estado Libre Asociado, de modo que los Deudores se ven impedidos de determinar si el demandante posee o no una reclamación válida contra el Estado Libre Asociado o contra cualquier otro de los deudores al amparo del Título III. Otra parte de la reclamación seguirá formulada contra el Estado Libre Asociado.		
2	EWELL, RONALD E T&T CAPITAL MANAGEMENT 7242 E CORTEZ RD SCOTTSDALE, AZ 85260	El Estado Libre Asociado de Puerto Rico	No Garantizada	\$50,000.00	Autoridad de Energía Eléctrica de Puerto Rico	No Garantizada	\$7,475.00
					El Estado Libre Asociado de Puerto Rico	No Garantizada	\$15,500.00
					Subtotal		\$22,975.00
					Base para: Cuando la evidencia de reclamación, el o los nombres del bono en disputa, la información del CUSIP, y/o la documentación de respaldo presentada para fundamentar la reclamación indican que cualquier parte de la obligación recaería, si fuere el caso, sobre la Autoridad de Energía Eléctrica de Puerto Rico, el demandante identifica como deudor al Estado Libre Asociado de Puerto Rico. Además, la evidencia de reclamación pretende plantear, en parte, una obligación asociada a uno o más bonos y/o fondos tomados en préstamo, pero omite proporcionar un fundamento o documentación de respaldo para formular una reclamación contra el Estado Libre Asociado, de modo que los Deudores se ven impedidos de determinar si el demandante posee o no una reclamación válida contra el Estado Libre Asociado o contra cualquier otro de los deudores al amparo del Título III. Otra parte de la reclamación seguirá formulada contra el Estado Libre Asociado.		